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REMARKS

Claims 35-65 and 115-119 are presented for examination, claims 1-34 and 66-114 having been withdrawn from consideration as being directed to a non-elected invention.

RESTRICTION REQUIREMENT

Applicants respectfully request reconsideration of the Restriction Requirement. The Examiner notes that "...if there is no linkage set forth between claims 55 & 66, 47 & 92, and 55 & 113 there cannot be any linkage with new claims 120, 121, and 122 as argued by applicant." In fact, this is not believed to represent an accurate statement of law.

In formulating a Restriction Requirement, it is important for the Examiner to consider the public policy issues of potentially issuing two independent and separately enforceable patents.

Therefore, if two dependent claims cover identical or substantially similar subject matter, even though depending from different independent claims, they are "linked", and should be prosecuted together in the same application. The alternate would potentially open the possibility of duplicative patent coverage, and is against public policy. See 35 U.S.C. § 121, MPEP § 804.01.

Per MPEP § 809, "The linking claims must be examined with the invention elected, and should any linking claim be allowed, the restriction requirement must be withdrawn. Any claim(s) directed to the nonelected invention(s), previously withdrawn from consideration, which depends from or includes all the limitations of the allowable linking claim must be rejoined and will be fully examined for patentability...." See MPEP § 809.03.

Claim 115 is closely related to claim 35, with only small changes in terminology, and should be examined together therewith.

Claim 116 is also related to claim 35, as well as claim 40, and should be examined together therewith.

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Claim 117 is a species of claim 47, and should be examined together therewith.

Claim 118 is believed to be a species claim with respect to claim 55, and should be examined together therewith.

Claim 119 corresponds to claim 58, as well as claims 50, 52, and 54.

Claims 120, 121, and 122 are believed to be proper linking claims, which are properly dependent from claims 55, 47 and 55 respectively, and therefore should not be subject to restriction.

Likewise, since these claims include material limitations of claims 66, 92 and 113, respectively, that these linking claims should not be restricted from the related independent claims, or at least examined in accordance with the guidelines of MPEP §§ 804, 809.

It is therefore respectfully submitted that, with respect to claims 66-100 and 113-122, that the restriction requirement be traversed and otherwise withdrawn, as the respective inventions are linked through proper linking claims showing the correspondence of various claim terms. It is believed that the compelling state interest in resolving interference issues, and issuing only one patent for an inventive concept, compels consolidated proceedings including the present application, US 5,724,567, 5,758,257, 5,754,939, 5,798,785 and 6,136,316.

CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 35-65 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Hey, U.S. Patent Nos. 4,996,642.

Hey relates to a system which seeks to correlate various users to according to inferred common likes. That is, a user recommendation for a particular content item may be made based on other users, with a common background (that is, a past history of selecting many of the same items), with the assumption that users with common past likes will have common future likes. A content item selected by a user or group of users sharing a common background is therefore used as a recommendation of a previously unsampled content item for another user.

According to Hey, a recommendation is delivered to the user, not the content item itself, and therefore the “means for presenting to the user the related content records” is absent. While the Examiner is correct that Col. 7, lines 21-57 do disclose an inventory management system, this itself is an inventory system, not a presentation system. While the video store itself does purvey videotapes (content records), this store does not correspond to the claim element, and is distinct therefrom. It is not clear, for example, that the video store “presents” the content records.

Likewise, the text in Col. 1, lines 18-41 also fails to disclose a “means for presenting...” as required by claim 36.

With respect to claims 37, 39, 43, the ranking is based on correlated users, not on item attributes.

With respect to claims 38 and 44, it is not clear that Hey is in any way “content” dependent.

With respect to claim 40, the inventory management system of Hey does not itself store the content records; that is the video store, which is distinguished as in claim 35.

With respect to claim 41, it is not clear that the Hey database is “unstructured”. Note that the clarification of the “presenting step” in this claim does not modify the meaning of the base claim, and therefore the added limitation encompasses a portion of the function.

With respect to claim 46, the claim requires a determination for all items of information, whereas Hey appears to selectively determine only for items previously sampled. Col. 4, lines 3-5.

With respect to claim 47, Hey is apparently content, and therefore interest, independent, and uses user correlations as the basis of its “intelligence”.

With respect to claims 48 and 49, Hey does not create any “interest summary” nor is it sensitive to nor employ “target object characteristics”.

With respect to claim 50, the customer profile of Hey is not formed with respect to any "content profiles".

With respect to claims 51 and 54, Hey does not appear to provide any scheduling capabilities nor content profiles.

With respect to claim 52, Hey does not create content profiles, and the customer profile does not indicate preferences for predetermined characteristics of video programs. There is no monitoring of actual viewing.

With respect to claim 55, Hey does not generate an interest summary; there is no way to determine interests, as distinct from history.

With respect to claim 56, Hey does not provide access to the target objects and target object characteristics, nor does Hey produce interest summaries.

With respect to claim 57, Hey does not employ any correlation of target profile interest summaries, and it is not sensitive to target object characteristics.

With respect to claim 58, Hey does not provide a customer profile indicating a customer's preference for data. All that is provided is a set of scores from which cross-user correlations can be derived.

With respect to claim 59, Hey does not provide nor employ content profiles.

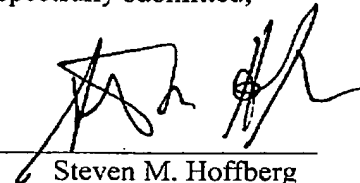
With respect to claim 60, 63 and 64, Hey does not appear to disclose any scheduling capabilities nor content profiles or predetermined characteristics of the data sources.

With respect to claim 61, 64 and 65, Hey does not disclose content profiles nor any electronic program guide.

It is therefore respectfully submitted that the present claims are allowable, and an interference declared.

Respectfully submitted,

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